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RULES**of Patenting Foreign Inventions in the USSR**

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I. Basis for the Issue and Protection of Rights

In the USSR, foreign inventors enjoy the rights provided for by Soviet legislation on inventions on equal grounds with citizens of the USSR, on the basis of reciprocity.

Documents certifying the authorship of an invention are author's certificates or patents. These documents are issued by the Committee for Inventions and Discoveries under the Council of Ministers of the USSR.

The inventor may, according to his own choice, claim recognition of his authorship alone or recognition of his authorship and exclusive rights to his invention. An author's certificate is issued in the first case and a patent in the latter case.

The right to exploit an invention for which an author's certificate has been issued belongs to the State, which undertakes to promote the invention for working with account of its significance.

An inventor to whom an author's certificate is granted for an invention that has been accepted for use in the USSR is entitled to remuneration, the rate of which depends on the total annual saving derived from the utilization of the invention. The rate of the remuneration for an invention, whose utilization does not yield a saving but improves the quality of output, working conditions, safety engineering and so forth, is established in conformity with the actual value of the invention.

An invention for which a patent has been issued may be used solely with the consent of the owner of the patent.

If an invention was made by two or more persons, each of them is entitled to receive an "Author's Certificate or Letter Patent," in which the names and surnames of all the co-inventors are indicated.

The right of granting an author's certificate or patent is inheritable.

II. Conception of an Invention

Under Soviet legislation an invention is recognized as such if it contains essentially new features in solving technical problems in any branch of the national economy, culture, public health or the country's defense, and possesses utility.

Author's certificates and patents are not issued for products obtained by chemical methods; they may be issued only for new methods of preparing these products.

For medicines, gustatory and food products prepared by other than chemical means only author's certificates are issued; patents may be issued only for methods of preparing these products.

For new, properly approved methods of treating diseases only author's certificates may be issued.

For selection methods of developing new and improved strains of farm animals and poultry, breeds of mulberry and oak silkworms, and varieties of agricultural plants, author's certificates for the improvement of strains (or varieties) are issued by the Ministry of Agriculture of the USSR.

III. General Rules Regarding the Registration of Rights to Inventions

Persons permanently residing abroad apply for author's certificates or patents and conduct all business pertaining thereto through the Patent Bureau of the USSR Chamber of Commerce.

The Patent Bureau of the USSR Chamber of Commerce are authorized agents of foreign applicants and act in accordance with the applicants' instructions.

Each application for an author's certificate or patent must refer to one invention only; an application must not contain more than one independent modification of arrangement or one independent method. If an applicant wishes to receive an author's certificate or patent for the invention of an article (arrangement, product) and also for the method of manufacturing it, he must submit two independent applications—one for the invented article

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(arrangement, product) and the other for the method of manufacturing this article.

If the application does not meet the requirements, the Committee for Inventions and Discoveries may inform the applicant of the required amendments and additions. The applicant is required to forward the said amendments within one month.

Documents listed below in Section IV ("Author's Certificate") and Section V ("Patent") shall be submitted for filing the application for an author's certificate or patent. The substance of the proposed invention must be disclosed precisely, clearly and fully in the specification and drawings, so that its novelty is revealed and the invention may be utilized on the basis of the application. The specification shall end with a claim or claims defining all the features of the proposed invention (its constructive and technological characteristics and process prescriptions) which distinguish it from those existing and known to the author. Reference numerals for all the basic parts of the arrangement are denoted in the drawings and are referred to in the specification. The specification must conform to the drawings. The specification shall be typewritten or written upon standard foolscap (210 x 290 mm) with a 30-mm margin. The drawings shall be made in India ink or ink on sheets of tracing paper or thick white paper not bigger than 203 x 288 mm and not less than 144 x 203 mm schematically without washes or colors, in a free scale, and shall show only the fundamental schematic views of the invention claimed. Working blueprints shall not be presented. The specification shall indicate in what branch of the national economy the proposed invention may be used. It is desirable that photographs of the arrangement (article) should be attached to the drawings.

In accordance with the applicant's instructions the Patent Bureau of the USSR Chamber of Commerce file an application either for an author's certificate or patent to the Committee for Inventions and Discoveries. No application shall be filed if a specification or drawing, if any, or other documents listed below (in Sections IV and V) are lacking and no application shall be accepted if the substance of the proposed invention is incomprehensible.

The day when the application is filed to the Committee for Inventions and Discoveries under the Council of Ministers of the USSR is considered to be the date of priority. If the application is not accompanied by a specification and drawings, if any, or if these documents do not show the substance of the invention clearly enough, when the additional documents are filed is considered to be the date of priority.

When an application is accepted, a filing receipt confirming that the application has been accepted for examination shall be issued by the Committee for Inventions and Discoveries.

In the course of a month from the filing day the applicant may add or amend the filed specification and drawings without changing the substance of the invention. Additions and amendments must be submitted in the same number of copies as the main application documents (see Sections IV and V); if the additions or amendments change the substance of the initially filed application, they must be drawn up as a separate application.

The applications accepted for examination by the Committee for Inventions and Discoveries are investigated from the point of view of the novelty and utility of the proposed invention. The utility of an invention is determined not only from the standpoint of the desirability of its immediate utilization but also of the possibility of utilizing it in the future, when the technical conditions required for its working are developed.

The examination of the novelty of an invention should be based on previously granted author's certificates, Soviet, pre-Soviet and foreign patents on previously filed applications, home and foreign literature, published reports by research and design institutions, works accepted for contests, scientific theses, and on information regarding worked inventions.

The applicant is entitled to acquaint himself with the citations on which the examiners have based their decision on the application, and may also demand copies of patents cited to oppose his application. To applicants filing applications for author's certificates such citations are sent free of charge, and to those filing patent applications at their own cost (i.e., reimbursement by them of expenses involved in placing such citations at their disposal).

Should the applicant disagree with the reasons for the refusal of this application for an author's certificate or patent, and in case of disagreement over the proposed wording of claims the applicant may in the course of one month from the day of receipt of the decision or copies of the cited patents file his argued objections to the Committee for Inventions and Discoveries through the Patent Bureau of the USSR Chamber of Commerce. The decision regarding the filed objections taken by the President of the Committee for Inventions and Discoveries under the Council of Ministers of the USSR or by his deputies is considered final.

After putting the claims in order and receiving the applicant's agreement with their wording, the Committee for Inventions and Discoveries shall enter the invention in the State Register of Inventions of the USSR, place a notice of the granting an author's certificate or patent in the "Bulletin of Inventions," publish a specification and issue an author's certificate or patent.

IV. Author's Certificate

An author's certificate is granted only in the name of the true inventor or inventors.

An author's certificate shall not be issued in the name of an assignee.

The following documents must be submitted to the Patent Bureau of the USSR Chamber of Commerce for filing an application for an author's certificate to the Committee for Inventions and Discoveries.

a) A Power of Attorney certified by a notary public to the Patent Bureau of the USSR Chamber of Commerce to proceed with the matters relating to the issuance of an author's certificate in the USSR;

b) A petition for the granting of an author's certificate. This petition to include an author's declaration. The surname and name of the inventor (inventors) of the proposed invention (in countries where custom requires the patronymic--such must also be given), citizenship, address, line of business of the inventor (inventors), and the title of the proposed invention must be indicated in the petition; the petition must come from the inventor (inventors) himself, from his heirs or from the enterprise (organization) authorized by the inventor. The author's declaration must include the assertion that the person (persons) who applies (apply) for the author's certificate is the true inventor of the proposed invention;

c) A specification of the proposed invention;

d) Drawings, if such are required to elucidate the specification.

The specification and drawings shall be prepared in conformity with the requirements set forth in the preceding section. (III).

The Petition with the author's declaration and the Power of Attorney shall be submitted in the original in a single copy, while the specification and drawings in quadruplicate (three copies for filing the application and one copy for the files of the Patent Bureau). The petition and all copies of the specification and drawings shall be signed by the inventor (inventors) or his (their) heirs or by a representative of the inventor. If the application is sent in a foreign language, it is sufficient to enclose two copies, inasmuch as for filing the application to the Committee for Inventions and Discoveries a Russian translation of the specification made by the Patent Bureau shall be submitted.

Simultaneously with sending to the Patent Bureau of the USSR Chamber of Commerce the instructions and documents for filing an application for an author's certificate, the applicant must transfer to the current account of the USSR Chamber of Commerce with the Bank for Foreign Trade of the USSR in Moscow the following sums.

1. Agent fee of the Patent Bureau for filing an application for an author's certificate--22 rubles;

2. Translation of the specification and other documents from a foreign language into Russian at the rate of 1.6 rubles per 100 words.

Other expenses connected with the granting of an author's certificate are paid for in accordance with the attached list of charges.

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V. Patent

The following special rules are provided in regard to patents for invention:

- a) A patent application may be filed in the name of the inventor or in the name of his assignee, in the latter case the name of the true inventor shall be given in the application; in accordance with this, the patent is granted either in the name of the true inventor or his assignee the surname, name and patronymic of the author of the invention being indicated in the patent;
- b) Official fees are paid in respect of the patents and applications therefor (see list of official fees and charges). The patent becomes invalid if the annuities are not paid in due time;
- c) Nobody may utilize the invention without the agreement of the patentee; the patent owner is entitled to grant license for the utilization of his invention or assign his patent entirely; the assignment or any other document certifying transfer of rights to a patent or any license document must be registered with the Committee for Inventions and Discoveries, in default of which such documents are considered invalid;
- d) A patent is issued for fifteen years from the days of filing the application therefor; the applicant's rights are protected from the same day. Within the term of its validity, a patent may be disputed and lapsed if it is proved that it has been issued in violation of a valid patent;
- e) In the course of the term of validity of a patent the inventor or his assignee may apply to change the patent for an author's certificate if the patent has not been assigned to anybody else or a license has not been granted for it;
- f) enterprises (organizations) which prior to the filing of a patent application have, independent of the inventor, utilized the given invention in the USSR or have made all the necessary preparations for such utilization retain the right to continue utilizing this invention gratis; disputes over this question are settled in court;
- g) If an invention is of special importance to the State but the Ministry, Department, Economic Council or Executive Committee of the Soviet of Working People's Deputies concerned have not reached agreement with the patent owner on delivering the rights of wording the patent permission for the utilization of the invention by the interested party with the appropriate remuneration to the patent owner may be given by the Council of Ministers of the USSR.

For filing a patent application to the Committee for Inventions and Discoveries the applicant shall send the following documents to the Patent Bureau of the USSR Chamber of Commerce:

- a) A Power of Attorney to the Patent Bureau of the USSR Chamber of Commerce to handle procedures relating to the issuance of a patent for an invention in the USSR. The Power of Attorney must be duly legalized at a USSR Consulate abroad, excepting cases where such legalization is not required by virtue of an international agreement signed by the USSR;
- b) Information about the true inventor, namely: his surname and name (in countries where custom requires the patronymic--such must also be given), citizenship, address, line of business;
- c) Specification and the title of the proposed invention;
- d) Drawings, if such are required to illustrate the description of the invention;

The specification and drawings must conform with the requirements set forth in Section III (General Rules Regarding the Registration of Rights to Inventions);

- e) An Inventor's Declaration, which must contain the assertion that the person (persons) said to be the author (authors) of the invention is (are) indeed the true inventor(s) of the said invention; the Inventor's Declaration must be signed by the author (authors) of the invention;

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f) If the inventor transfers his rights to the invention, the patent application must be accompanied by an Assignment Deed signed by the inventor and the assignee. The Assignment Deed must be legalized in a Consulate of the USSR abroad, excepting cases where such legislation is not required by virtue of an international agreement signed by the USSR.

The information about the author of the invention (Para. "b") and the Inventor's Declaration (Para "e") are submitted in the original in a single copy, while the specification and drawings are submitted in quadruplicate (three copies for filing the application and one copy for the files of the Patent Bureau). All copies of the specification and drawings must be signed by the inventor (inventors) or assignee or by their representative. If the application is sent in a foreign language, it is sufficient to enclose two copies inasmuch as for filing the application to the Committee for Inventions and Discoveries a Russian translation of the specification is made by the Patent Bureau.

Simultaneously with sending to the Patent Bureau of the USSR Chamber of Commerce the instructions and documents for filing a patent application, the applicant must remit to the current account of the USSR Chamber of Commerce with the Bank for Foreign Trade of the USSR in Moscow the following sums:

1. Agent's fee of the Patent Bureau for filing patent application... 45 rubles;
2. Official fee for filing an application... 58.5 rubles;
3. Translation of the specification and other documents from a foreign language into Russian at the rate of 1.8 rubles per 100 words.

Other expenses connected with the granting of a patent are paid for in accordance with the attached list of official fees and charges.

VI. Disputing the Novelty of an Invention or Authorship

In the course of a year from the day a notice on the issuance of an author's certificate is published (in cases when such notices have not been published--from the day an invention is entered into the State Register of Inventions of the USSR) State-operated, cooperative and public enterprises, organizations and establishments and individuals, may dispute the granting of an author's certificate, endeavoring to prove that the invention is not new or that some other person is its true inventor.

As regards a patent, it may be disputed throughout the term of its validity.

Disputes over the novelty of an invention for which an author's certificate or patent has been issued are finally decided by the Committee for Inventions and Discoveries.

If it is proved that the object of the invention for which an author's certificate or patent has been granted was previously known either entirely or partially, the Committee for Inventions and Discoveries either issues a notice annulling the author's certificate or patent, as illegally granted or issue instead a new author's certificate or patent with amended claims.

Disputes over the authorship (co-authorship) of an invention are examined in court in the established order. If the claim on the dispute over the authorship (or co-authorship) is submitted before the issuance of an author's certificate or patent the Committee for Inventions and Discoveries undertakes the necessary measures for issuing an author's certificate or patent after the dispute has been settled in court.

VII. Supplementary Inventions

An additional invention is considered as supplementary if it constitutes improvement of another (basic) invention, for which an author's certificate or patent has been issued earlier, and if it cannot be utilized independently of the basic invention.

If an author's certificate has been issued for the basic invention, a dependent certificate is issued for a supplementary invention if not more than

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fifteen years have elapsed since the day of entry of the basic author's certificate in the State Register of Inventions of the USSR. At the expiration of fifteen years an invention is considered independent and an independent author's certificate is issued.

An application for an additional invention submitted by the author of the basic invention before the expiration of six months from the day the "Bulletin of Inventions," in which the basic invention is published, has been signed for the press, enjoys priority over any other application for a similar invention submitted during the same period by another person.

If a patent has been issued for the basic invention, either a dependent patent or dependent author's certificate at the choice of the applicant for an additional invention is issued. The additional invention may be utilized only with the agreement of the owner of the basic patent, save where the invention is of special essential importance to the State (see Section "Patent", Para, "f").

A dependent patent is issued for the term of validity of the basic patent.

If for any reasons that do not depend upon the supplementary invention, the term of validity of the basic author's certificate (or basic patent) expires, the dependent author's certificate (or dependent patent) shall be considered as a basic author's certificate or patent. In this case the dependent patent shall be valid for the period for which the basic patent had been issued.

OFFICIAL FEES

(in rubles)

	<u>Patents</u>	<u>Trade Marks</u>
1. Application fee	58.50	5.63
2. Appeal fee	29.25	29.25
3. Assignment fee	58.50	5.63
4. Publication fee	-	6.75
5. Annuities for the protection of patent rights:		

<u>Year</u>	<u>Rubles</u>
1st	49.50
2nd	49.50
3rd	49.50
4th	74.25
5th	99.00
6th	123.75
7th	173.25
8th	222.75

<u>Year</u>	<u>Rubles</u>
9th	272.25
10th	321.75
11th	371.25
12th	420.75
13th	470.25
14th	519.75
15th	569.25

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Approved
by the Decision of Presidium
of USSR Chamber of Commerce
January 19, 1961

Scale of Charges
by the Patent Bureau of the
USSR Chamber of Commerce
(in rubles)

Nos	Item	Patents	Author's Certificates	Trade Marks
1	Filing an application	45	22	38
2	Filing of supplementary explanations	9 and up	7	-
3	Filing an objection to a decision in connection with a grant	15 and up	11 and up	-
4	Appealing a rejection decision	22 and up	13 and up	22
5	Filing a consent to proposed claims	9	4	-
6	Filing an opposition or objection to a protest	22	6	22
7	Registration of assignment or change of name	22	-	22
8	Supplementary filing of other documents (per document)	4	4	4
9	Filing an application for the renewal of trade mark	-	-	22
10	Extension of time	6	2	6
11	Searches, minimum	6 + actual expense	6+ actual expense	6+ actual expense
12	Transfer of a patent to an author's certificate	12	-	-
13	Abandonment of application	5	3	5
14	Payment of annuities			
	1st to 3rd year	9	-	-
	4th to 6th year	11	-	-
	4th to 15th year	13	-	-
15	Procuring photostat copies or printed documents, per page	1+ actual expense	1+ actual expense	1+ actual expense
16	Procuring typewritten copies, per page	1+ actual expense	1+ actual expense	1+ actual expense
17	Translations of specifications, instructions, explanations, decisions & other documents per 100 words			
	a) From English, French, German into Russian	1.80	1.80	1.80
	b) From Russian into English, French, German	3.60	3.60	3.60
18	Registration and final editing of specifications, objections and other documents depending on complexity per page	4 and up	4 and up	4 and up
19	Transaction in connection with use of an invention, in case of sale	16 actual cost	- actual cost	- actual cost
20	Mailing expenses			